

September 23, 2015

To the Members of the School Funding Interim Commission:

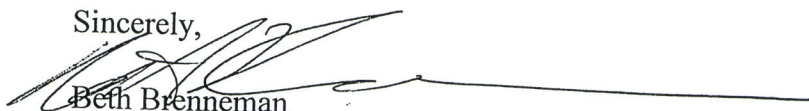
DRM encourages you to support funding of public education until age 21 for students with disabilities. We do so for 3 primary reasons:

- 1) Montana is the ONLY STATE IN THE UNITED STATES to set the public education cap as low as 18 yrs old;
- 2) Providing more educational years for disabled students to transition to work is likely to be more successful than our current system, which drops these students at 18 and tends to direct them to greater reliance on state and federal services instead of work. This is not only a bad idea, but it is more expensive in the long term. In addition, this is beginning to cost Montana in various ways when it comes to federal funding. For example, the roughly \$2 million in PETS (Pre-Employment Transition Services) federal funding recently provided to Montana to transition disabled students to work can only be used for students enrolled in high school. In other states, that money can be used for more students as they are enrolled later. Montana must serve people with disabilities from 19 on, and will have to make up the difference with current state funding for those over 18; and
- 3) The Ninth Circuit has ruled that it is discriminatory not to provide the service to age 21 when school districts provide other services to non-disabled students after the age of 18.

In *E.R.K. v. Hawaii Department of Education*, the Ninth Circuit Court of Appeals struck down a Hawaii law that barred students from attending public school after the last day of the school year in which they turn twenty. This statute applied to all students, whether they were students with disabilities or not. At the same time, however, the Hawaii Department of Education operated a network of adult education schools called the Community Schools for Adults. These schools offered free programs to earn a high school diploma, but did not offer IDEA services to students with disabilities. The Court found that by offering this high school diploma program for non-disabled individuals over 20 but not providing special education services, it violated the IDEA.

Many districts in Montana offer similar services to non-disabled persons older than 18, while they do not provide public school IDEA services for students with disabilities over 18. This, like the situation in Hawaii, is likely in violation of the IDEA. For these reasons, we urge your support.

Sincerely,



Beth Brenneman